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RECENT DECISIONS

ASSAULT AND BATTERY—EJECTION OF CUSTOMER FROM SHOP.—Respondent, being dissatisfied with a fish which she had ordered of appellant, telephoned the appellant's shop to this effect, and was told to return the fish and receive back her money, but that her trade was no longer desired. When she returned the fish, the manager of the shop refunded her the money she had paid, and told her to go away and stay away. Upon her continued refusal to leave, the manager took hold of her by the arm and forcibly ejected her from the shop. She brought action for assault and battery. *Held*, that the action should be dismissed. *Crouch v. Ringer* (Wash.), 188 Pac. 782.

One has no right to go upon the premises of another after the owner has forbidden him to do so. Also, a person has the right to complete control over his business place, and he may admit thereto and reject therefrom whom he pleases. *Morgan v. Durfee*, 69 Mo. 469, 33 Am. Rep. 508; *Woodman v. Howell*, 45 Ill. 367, 92 Am. Dec. 221. And he may select such persons as he chooses to deal with, although there be an implied license to the public to enter his shop or mercantile house for the purpose of transacting business. *Bogert v. Haight*, 20 Barb. (N. Y.) 251; *Breitenbach v. Trowbridge*, 64 Mich. 393, 31 N. W. 402, 8 Am. St. Rep. 829; *Woodman v. Howell*, *supra*.

Although the owner of premises has granted another license to enter thereon, if such license is not coupled with an interest, it may be revoked at the pleasure of the owner. *Breitenbach v. Trowbridge*, *supra*; *Woodman v. Howell*, *supra*. And if the owner request such other to leave, he may, after allowing him a reasonable time to depart, forcibly eject him, using only so much force as is necessary for the ejection. *Tipswood v. Potter* (Idaho), 174 Pac. 133; *McDermott v. Kennedy*, 1 Har. (Del.) 143; and authorities above cited.

In the principal case, the respondent entered upon the premises of the appellant by his permission, but such permission was restricted merely to her returning the fish and receiving her money. He had warned her that he no longer cared for her business; and, when ordered to leave the premises, she refused to do so until forcibly ejected by the appellant. The decision is undoubtedly sound.

The above discussion has no application to the rights and duties of common carriers.

BILLS AND NOTES—FORGERY—MISTAKE OF FACT.—An acting quartermaster in the United States Army had authority to draw drafts on the United States Treasury. His finance clerk drew a forged draft in his name, and endorsed the same to the defendant bank. The defendant bank presented the forged draft to the plaintiff, who accepted and paid it. Upon learning of the forgery, the plaintiff sued to recover the amount paid on the ground of a mistake of fact. *Held*, plaintiff cannot recover. *United States v. Chase National Bank*, 40 Sup. Ct. 361.